

REMARKS

With the addition of claims 36 and 37, claims 18 to 37 are pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statements, PTO-1449 papers and cited reference(s). In this regard, it is respectfully noted that German Published Patent Application No. 100 36 278 was officially cited and disclosed in the previously-filed the Information Disclosure Statement of August 1, 2005. Accordingly, it is respectfully requested that this reference be expressly considered during the prosecution of the present application, and that this reference be made of record therein and appear on the "References Cited" on any patent to issue therefrom.

Claims 18 to 29, 32 and 33 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2002/0073400 ("Beuten").

Claim 18 relates to a motor vehicle control unit that includes a processor, a first interface for communicating with a functional unit of a motor vehicle, and at least one second interface combined with the processor in a sub-assembly so as to minimize a capacitive loading by the at least one second interface.

It is respectfully submitted that Beuten does not identically disclose (or even suggest) a motor vehicle control unit having, in addition to a first interface communicating with a functional unit of the motor vehicle, at least one second interface *that is combined with the processor in a sub-assembly so as to minimize a capacitive loading by the at least one second interface*, as provided for by claim 18. Instead, Beuten refers to a controller 2 having a CAN bus 14, a debug interface 7 and a diagnosis interface 15 without regard as to whether such interfaces are combined with the microprocessor 3 of the controller 2 in a sub-assembly so as to minimize a capacitive loading. Indeed, Beuten makes no reference at all to sub-assemblies or to capacitive loading.

For at least these reasons, it is respectfully submitted that Beuten does not anticipate claim 18, as presented, and therefore claim 18, as presented, is allowable.

Claims 19 to 29, 32 and 33 depend from claim 18, and are therefore allowable for at least the same reasons as claim 18, as presented.

As further regards the rejections of claims 24 and 25, it is respectfully submitted that to the extent that the Office may be relying on the doctrine of inherent disclosure for the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Withdrawal of the anticipation rejections is therefore respectfully requested.

Claims 30, 31, 34 and 35 were rejected under under 35 U.S.C. § 103(a) as being unpatentable over Beuten in view of U.S. Patent No. 6,311,294 (“Larky”).

Claims 30, 31 and 34, as presented, depend from, or recite features essentially to, claim 18, as presented. Therefore, claims 30, 31 and 34, as well as dependent claim 35, are patentable for at least the same reasons given in support of the patentability of claim 18 since the secondary Larky reference does not cure the critical deficiencies of the Beuten reference. Moreover, the Office Action's assertion that “[a] person of ordinary skill in the art of motor vehicle control has an undergraduate level degree in electrical engineering or the equivalent from on the job experience”; and that “this person is knowledgeable of the data transmission requirements and available options to carry out data transfers” so that “[t]herefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Beuten with Larky for the benefit of efficient data retrieval” is mere hindsight reasoning and fails to demonstrate a requisite motivation to modify the Beuten reference to provide the claimed features, which the Office Action admits is not disclosed by Beuten. Accordingly, it is respectfully submitted that claims 30, 31, 34 and 35 rejected as obvious are allowable over the reference relied upon for these further reasons.

New claims 36 and 37 do not add any new matter, and are supported by the present application, including the specification. New claims 36 and 37 ultimately depend from claim 18, and are therefore allowable for at least the same reasons as claim 18, as presented.

CONCLUSION

Applicant asserts that the present invention is new, non-obvious, and useful.
Consideration and allowance of the claims are requested, as is withdrawal of the rejections
(and any objections).

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Respectfully submitted,

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